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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,696	07/28/2003	William Joseph Taylor JR.	MR929-899	3194

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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,696	Applicant(s) TAYLOR, WILLIAM JOSEPH	
	Examiner Ghassem Alie	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the filing date of the application.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, and 8-19 is/are rejected.
- 7) ☒ Claim(s) 5 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, flanges of the adjacent walls of the resilient pin and the handle as set forth in claims 11-13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: "44" on page 6, line 19 in the specification.

Claim Objections

3. Claim 1 is objected to because of the following informalities: in claim 1, line 3, "a first handle (11)" should be --a first half (11)-- and in claims 5-7, lines 3 and 4, "a through hole for holding a stopper rod (17) for fixing a base of the resilient pin (40) inside the handle (10)" should be --a through hole for holding a stopper rod (17) to fix a base of the resilient pin (40) inside the handle (10)--. Appropriate correction is required.

Specification

4. The specification is objected to under 37 CFR 1.71 for not disclosing (a) fails to teach where the corresponding flanges of the resilient member and the handle are located and how they do function. It is also not clear how the corresponding flanges and the gaps of the resilient pin and the handle interlock against each other. See page 6, lines 16-24 of the specification.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 11-14, 16, 17, and 19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 11-13, the disclosure fails to where is the flange of the resilient pin and how does it correspond to the flange of the handle. The disclosure also fails to teach how the corresponding flanges and the gaps of the resilient pin and the handle interlock against each other.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 3, 6, 9, 12, 15, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Claim 3, “wherein the guiding edge (24) in the chamber (13) of the handle (10) is formed by two long blocks juxtaposedly disposed in the handle (10)” is not clear. The guiding edge is defined by the lateral side of the shoulder of the blade in claim 1. Therefore, it is not clear whether the guiding edge of the blade is the same as the guiding edge inside the handle or not. If, there is a guiding edge inside the handle, how does it function and where is it located. Does the pocket knife have two guiding edges?

Claim Rejections - 35 USC § 102

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9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

a person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2, 4, and 8-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Chu (2004/0068874). Regarding claim 1, Chu teaches a pocket knife with a lock design, including a handle 10, a chamber, a blade 20, a safety lock 13, and a resilient pin 41, 42. The flexible sheet 13 which presses against the blade 20 defines the lock. The locking piece 41 and the flexible strip 42 define a resilient pin, since they have a resilient characteristic in combination. Chu also teaches that the handle 10 includes a first half 11 and a second half 111 and the chamber is defined by the space between the first half 11 and the second half 111. Chu also teaches that the blade 20 is pivotally receivable in the handle 10 and has a shoulder at the end of the cutting edge and a guiding edge on the lateral side of the shoulder adjacent to the cutting edge. Chu also teaches a driving edge which is located on the other side far away from cutting edge and perpendicular to the axis of the blade 20, and a pin catch 26 on the side wall of driving edge. The blade 20 has a shoulder at the end of its cutting edge which includes the notch 26 and a guiding edge which is adjacent to the cutting edge of the blade 20. The edge of the shoulder that is pressed by the safety lock 13 is defined as the driving edge. There is a notch 26 for catching the resilient pin 41 and the notch is located on the wall on the side of the driving edge. Chu also teaches that the safety lock 41, 42 is secured inside the chamber with one end fixed inside the handle 10 and the safety lock 41, 42

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has a push plate with a raised head for engaging the shoulder at the end of the blade 20 to move the blade 20 into open position. The raised portion of the push plate of the resilient pin 13 is defined by the tip of the push plate which has a raised configuration. Chu also teaches that the resilient pin 41, 42 is secured in the chamber of the handle 10 with one end fixed on the handle 10 and the other end pressed against the shoulder of the blade. See Figs. 1-5 and pages 1 and 2 on Chu.

Regarding claim 2, Chu teaches everything noted above including that the handle 10 has a holding block in the chamber far away from the pivot joint 12 for holding the resilient pin 41, 42. See Fig. 2 in Chu.

Regarding claim 4, Chu teaches everything noted above including that the holding block in the chamber of the handle 10 is formed by multiple blocks in two rows, alternately positioned, and a space is defined between the long blocks forms a channel 15 for keeping the resilient pin 41, 42 in position. The holding block has upper and lower blocks that form a slot for holding the resilient pin 41, 42. See Fig. 1 in Chu.

Regarding claims 8-10, Chu teaches everything noted above including that the resilient pin 41, 42 is formed at a base of handle 10 and has a gap. The gap of the resilient member is defined by the shoulder configuration of the locking piece 41. Chu also teaches that the first half 11 and the second half 111 have through holes and screw holes for receiving screws to fix a base of the resilient pin 41, 42 inside the handle. The end 421 of the flexible strip 41 which is fixed inside the slot 15 defines the base of the resilient pin 41, 42. See Fig. 1 in Chu.

Regarding claims 11-13, as best understood, Chu teaches everything noted above including that the adjacent walls of the resilient pin 41, 42 and the handle 10 have corresponding gaps and flanges to interlock against each other. The gap of the resilient member is defined with the shoulder configuration on the top surface of the lock piece 41 which correspond to the gap of the holding block above the lock piece 41. The resilient pin 41, 42 also has another gap corresponding to the flanges or pins of the first half 11 which are located under the gap of resilient pin 41, 42. See Fig. 1 in Chu.

Regarding claims 14-16, Chu teaches everything noted above including that the resilient pin 41, 42 has a gap and an inner wall of the handle 10 has a flange corresponding to the position of the gap for fixing the base of the resilient pin inside the handle 10. The flange is defined by the pins of the first half 11 which are located under the cap of the resilient pin 41, 42. The gap of the resilient member is defined by the shoulder configuration of the locking piece 41. The flange or the pins helps to hold in position the base of the resilient pin 41, 42 inside the handle 10. See Fig. 1 in Chu.

Allowable Subject Matter

11. Claims 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach that the handle has a through hole for holding a stopper rod to fix a base of the resilient pin inside the handle as set forth in claims 5 and 7.

12. Claims 6 and 17-19 would be allowable if rewritten or amended to overcome the

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rejection(s) under 35 U.S.C. 112, second paragraph and second paragraph, set forth in this Office action. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach that the handle has a through hole for holding a stopper rod to fix a base of the resilient pin inside the handle as set forth in claim 6. The prior art also fails to teach that the back end of the handle has a supporting pipe has a smaller diameter inner section and a larger diameter outer section and the inner diameter of the corresponds to outer diameter of the resilient pin as set forth in claims 17-19.

Comment

13. It is noted that claim 3 has not been rejected over prior art. However, in view of the issues under 35 U.S.C. 112, second paragraph, the allowability of the subject matter cannot be determined at this time.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Coder (4,274,200), Moser (6,308,420), Cheng (2003/0140500), Sessions et al. (5,511,310), Hull (5,826,340), and Konneker (4,570,341) teach a pocket knife having, a handle, a blade, and a resilient pin.

Kain et al. (6,701,621), Seber et al. (5,794,346), Chen (5,875,552 and 5,699,615), and Marfione (2002/0104220) teach a pocket knife having a handle, a blade, and a safety lock.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

April 21, 04



Allan N. Shoap
Supervisory Patent Examiner
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